M.R.O. 1—32,000—16-10-29.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue DEPARTMENT.

G.O. No. 970-71 Press ~~Mis.~~

363-66
Dated 30-6-1870 ~~19~~.

**Not to be folded or roughly handled**

*Proceedings of the Madras Government, Revenue Department,*
*30th June* 1870.

No. 363. Read the following Proceedings of the Board of Revenue, dated 29th April 1870, No. 2,853 :—

Read the following letter from the Acting Collector of Trichinopoly, to the Acting Secretary to the Board of Revenue, dated 11th March 1870, No. 54.

With reference to the Board's Proceedings, No. 502, dated 24th January 1870, I have the honour to submit, for their favourable consideration and orders, the accompanying communication from the Tahsildar of the Trichinopoly Talook, Pattabhiram Pillay, and who takes exception to the opinion expressed by the Secretary to the Commissioner for the Uncovenanted Civil Service Examinations, viz., that the examination passed by him (Pattabhiram Pillay) in 1859 was of the nature of the *present General Test* Examination.

2. The reasons assigned by the Tahsildar appears to me worthy of consideration, and the subjects of the Test of 1858, compared with those of the present General Test, do not in my judgment bear out the interpretation given in Mr. Duncan's communication.

3. I beg to submit a Statement, showing in juxta-position these subjects respectively according to the standard of each different examination, and I trust that the Board will be good enough to urge a re-consideration of the opinion given by Mr. Duncan; adverting also to the fact that Pattabhiram Pillay has passed the examination for the higher grades in the Judicial Department, and, further, that he has been a 1st-class Tahsildar for the past five years. I would take leave to recommend that he be exempted from all further examinations.

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Enclosure No. 1.—Statement showing the subjects of the Old Test Examination.

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Enclosure No. 2.—Letter from Tahsildar.

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Enclosure No. 3.—Copy of Testimonial.

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The Board resolve to submit this letter for the favourable consideration of Government.

2. Under paragraph VI. of the Examination Rules of 1858 Pattabhiram Pillay has been declared eligible for any appointment in the service of Government, and he has done nothing since to warrant the withdrawal of that declaration.

3. The examination which he passed was of a very searching description, and was as severe in Law and Revenue Administration as the present Special Tests. It may be considered as analogous to the whole of the General and Special Tests combined.

4. As the institution of the revised rules of 1866 did not make ineligible any one who had been declared eligible for a post under the rules of 1863, so the rules of 1863 could not have been intended to disqualify those who had qualified under the far more stringent rules of 1858.

Govt. of 1870 Gayours.

# REVENUE.

*To*

THE BOARD OF REVENUE.

&c., &c., &c.

*Dated June*, 30*th*.

*Recd.*

*Read.*

*G. O., 30th June* 1870, *No.* 970.

## JUNE.

## Nos. 363-364.

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***Pattabhiram Pillay, Tahsildar of Trichinopoly Taluk.***—His exemption from passing any further examination for the office of Deputy-Collector and Magistrate, sanctioned.

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REVENUE DEPARTMENT.
FORT SAINT GEORGE,
*30th June* 1870.

No. 366.

No. 971.

To

THE OFFICIATING SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

Miscellaneous.

SIR,—I am directed to forward, for the consideration of His Excellency the Viceroy in Council, the enclosed Petition addressed by the subordinates of the Inam Department to the First Member of the Board of Revenue in charge of the department, requesting that their services in the Inam Commission may be considered as service which renders them eligible for pension.

2. The case of Yayivaram Ramaswami Aiyer, who had been employed in the Inam Commission for nearly ten years, occasioned a former* reference to the Government of India on the same subject. The purport of the recommendation then made by this Government was, that service in the Inam Commission should be allowed to count towards pension, but that if the Government of India were not disposed to grant this concession where service in the Inam Commission followed without a break upon service rendered in other departments, and conveying a right to pension, the aggregate period of service should be considered as service entitling to pension.

* Letter from Chief Secretary to Government of Madras, to Secretary to Government of India, Financial Department, dated 20th December 1869, No. 628.

3. The Government of India, in replying,† laid down the following rule:—

"As in the case of employment in the "Settlement Department, service on the "establishments of the Inam Commissioner may be allowed to count for pension, "if it is followed without a break by enrolment on a permanent establishment. "In other cases the service may be recognized for pension if it lasts for a long "time; but all such cases being more or less special, should be submitted for the "orders of the Government of India before the assignment of any allowance."

† Letter, dated 31st January 1870, No. 783.

4. The peculiar circumstances attendant on the enrolment of petitioners on the establishment of the Inam Commissioner were explained to the Government of India in paragraph 3 of the Chief Secretary's letter above referred to. Petitioners now maintain that Mr. G. N. Taylor, the first Inam Commissioner, directly assured them that G. O., dated 14th June 1859, No. 784, entitled them to pension for their services in the Inam Commission.

5. I am directed to call the attention of His Excellency the Viceroy in Council to No. 14 of the Rules‡ for "superannuation allowances and pensions to Uncovenanted Servants." According to this rule, "the period of service must be continuous, but in case of the abolition

‡ Notification of Government of India, dated 13th April 1864, No. 1,915.

"of the office held by an officer, and his being subsequently employed by Govern-
"ment, his first period of service is to be taken into account."

6. This rule is strictly only applicable to service on a permanent establishment, but, under all the circumstances of the case, the Governor in Council considers that the principle involved may be urged with almost equal force in favour of petitioners, the greater number of whom cannot possibly obtain employment immediately on the abolition of the Inam Department through no fault of their own.

7. I am therefore to submit to His Excellency the Viceroy in Council the earnest recommendation of this Government, that a special rule may be laid down, providing that all service rendered in the Inam Commission is to be reckoned as service qualifying for pension under the rules, with the proviso that it need not be *followed by* immediate enrolment on a permanent establishment.

8. This rule, I am to observe, would not entitle those subordinates whose entertainment on the establishment of the Inam Commissioner was *preceded* by an interval of non-employment to claim pension for the service rendered previously to that interval. Rule 14, which prescribes that "the period of service must be continuous," would preclude them from setting up such a claim if, instead of entering the Inam Commission, they had been entertained on a Collector's establishment, and there is no reason why any special privilege should be attached to service in the Inam Commission. It is solely on the hardship at present entailed on petitioners by the abolition of the department that the Government base their recommendation.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) R. S. ELLIS,

*Chief Secretary.*

Exd. F. R. Pantleman.

Financial 1870 Department.

[ ]

From Government of
Fort St. George.

Dated 30th June. } No. 971.
R. } Enclosures.
6 spare copies.

D. No.
L. No. Progs. { D. No.

FORWARDING, for consideration, Petition addressed by the subordinates of the Inam Department to the First Member of the Board of Revenue in charge of the department, requesting that their services in the Inam Commission may be considered service which renders them eligible for pension.

Revenue Dept.

Memo: for orders on No 1207.

Question — whether the Govt of India are to be addressed, with a view to its being unconditionally laid down that service in the Inam Commission is to count towards pension.

The Board submit with a strong recommendation that it may be favorably dealt with, a petition from the employés of the Inam Commission, who request that their service in the Inam Commission may be allowed to count towards pension, enlarging on the following circumstances,

In

2. In submitting to Govt. his scheme for the preliminary measures he proposed to adopt for organising the Inam Commission, Mr. G. A. Taylor (vide para 11 of his letter printed with G. O. dated 14th June 1859. No. 784) used the following words:— "It "should be clearly under- "stood at the outset that "the period of employment "in the Inam Commission "will count as service in "calculating claims to pension "under the rules."

3. The Govt. "approved the

"the arrangements and plan "of proceeding proposed by "the Inam Commissioner in "his letter."

4. The Inam Commissioner employés state that on the strength of this order, Mr. Taylor assured them that their service in the Inam Commission would count for pension.

5. But the Government of India in their letter published in the ~~Fort St. George~~ "Gazette" of March 15th 1870 ruled

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as follows:- "As in the case
"of employment in the Settle
"-ment Dept:, service on the
"establishment of the Inam
"Commissioner may be allowed
"to count for pension, if it
"followed without a break
"by enrolment on a permanent
"establishment - In other
"cases the service may be
"recognized for pension if it
"lasts for a long time; but a
"such cases being more or less
"special, should be submitted
"for the orders of the Govt of India
"before the appointment of any
"allowance."

6. The Govt of India are in possession of all the facts of the case when



when they wrote this letter, the case having been put before them in a letter from this Govern-ment dated 20th December 1869, No. 628. The latter letter recommended that, if the Government of India were not disposed to declare service in the Inam Commission generally eligible for pension, they should allow it to be eligible where it followed without a break upon service rendered in other Departments.

The

Letter
Secretary to the
Board Commissioners
to Court for pension

Acknowledged 19 July

9

30 June 1870

Rev. Dr. Pettt

No 971-

To The Secretary to the Govt of India
Financial Dept.

Sir,

I am directed to forward for the consideration of H.E. the Viceroy in Council, the enclosed Petition addressed by the Subordinates of the Siam Dept. to the First Member of the Board of Revenue in charge of the Dept., requesting that their services in the Siam Commission may be considered as service which renders them eligible for pension.

2. The case of Gajivaradda Ramaswamie Mayer who

J. D.S.

H.A.
K

Charles Lee
Sub Asst Sec

C 19 May/20 RE Imo

had been employed in the Inam Commission for nearly ten years, occasioned a [x] former reference to the Govt of India on the same subject. The purport of the recommendations then made by this Govt was that service in the Inam Commission should be allowed [to count] towards pension, but that if the Govt of India were not disposed to grant this concession where service in the Inam Commission followed without a break upon service rendered in other Depts & conveying a right to pension, the aggregate period of service should be

[x] Letter from Chief Secy to Govt of Madras to Secy to Govt of India Fin Dept dated 20th Dec 1869 No 628.

[*] Letter dated 31st Jany 1870, No 703.

be considered as service entitling to pension.

3 The Govt of India, in replying, laid down the following rule.

"As in the case of employment in the Settlement Dept, service on the "Establishments of the "Inam Comm[n] may be "allowed to count for "pension, if it is followed "without a break by "enrolment on a perma-"nent Establishment. In "other cases the service "may be recognized for "pension if it lasts for "a long time; but all "such cases being more "or less special, should "be submitted for the

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now maintain that
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11th June 1859, No. 784
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According to this rule, the
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"of the abolition of the of-
"fice held by an officer
"and his being subsequently
"employed by Government,
"his first period of service

Notification of Govt of
India No 13 dt 4/6/1915.

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"is to be taken into account."

6. This rule is strictly only applicable to service on a permanent establishment, but under all the circumstances of the case, the Governor in Council considers that the principle involved may be urged with almost equal force in favour of petitioners, the greater number of whom cannot possibly obtain employment immediately on the abolition of the Inam Department, through no fault of their own.

I



7 I am therefore to submit to His Excellency the Viceroy in Council, the earnest recommendation of this Government, that a special rule may be laid down, providing that all service rendered in the Inam Commission is to be reckoned as service qualifying for pension under the rules, with the proviso that it need not be followed by immediate enrolment on a permanent establishment.

8 This rule I am to observe, would not entitle

entitle those subordinates whose entertainment on the establishment of the Inam Commissioner was preceded by an interval of non-employment, to claim pension for the service rendered previously to that interval. Rule 14 which prescribes that "the period of service must be continuous", would preclude them from setting up such a claim if, instead of entering the Inam Commission, they had been entertained on a Collector's establishment, and there is no reason why



why any special privilege should be attached to service in the Inam Commission. It is solely on the hardship at present entailed on petitioners by the abolition of the Department that the Government base their recommendation.

Sd/

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Sd/

Il Generale Conte
di
Cervicca Ill.mo
Sig.re Comandante
la Piazza di Gaeta